IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.53198-M of 2006

DATE OF DECISION:31.10.2006

Hazara Singh & Ors. .....Petitioners

Versus

State of Punjab .....Respondent

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri P.S. Hundal, Advocate
for the petitioners.

Shri N.S. Gill, AAG, Punjab.

Shri SS Salar, Advocate
for the complainant.

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The Petitioners apprehending their arrest in a non-bailable offence in case FIR No. 124 dated 20.8.2006 under Sections 452,324,323,148 and 149 IPC, registered at Police Station Dasuya, have filed this petition under Section 438 Cr.P.C. for anticipatory bail.

I have heard counsel for the parties and gone through the contents of the FIR.

Counsel for the petitioners contends that the complainant and one Ajaib Singh are the real brothers and petitioner No.1 Hazara Singh had purchased the disputed portion of the house from Ajaib Singh. Counsel contends that the only non-bailable offence in this case is under Section 452 IPC and the same is not made out, because complainant and Ajaib Singh claim themselves to be in joint possession of the house. It is yet to be established that the house was in whose possession.

Counsel for the petitioners further contends that in view of the order dated 11.9.2006, the petitioners have joined the investigation. Counsel for the respondent-State does not dispute this fact and further

states that petitioners No.3 to 5 have been found innocent and petitioners No.1 and 2 have joined the investigation and they are no more required for further interrogation.

In view of the above, the interim bail, granted vide order dated 11.9.2006 is made absolute subject to the same terms and conditions.

This bail order shall remain in operation till the investigation culminates into filing of challan under Section 173 Cr.P.C. except for material change in the circumstances. Thereafter the petitioners No.1 and 2 shall be entitled to the grant of regular bail by the trial Court and the same shall further continue till conclusion of the trial on the conditions to be imposed by the court of competent jurisdiction.

Disposed of accordingly.

October 31, 2006 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**